

## **REMARKS**

Applicants reply to the Office Action mailed on March 22, 2006. Claims 1-47 were pending and the Examiner rejects claims 1-47. Applicants amend various claims and address the Examiner's remarks. Support for the amendments may be found in the originally-filed specification, claims, and figures. No new matter has been introduced by these amendments. Reconsideration of this application is respectfully requested.

Applicants respectfully assert that the subject matter of the various claims was commonly owned at the time the inventions covered therein were made and therefore, Applicants have complied with 37 C.F.R. § 1.56.

### **Claim Objections**

Claim 1 stands objected to because of various informalities. Applicants' amendments correct those informalities by providing proper antecedent basis in the claims and Applicants request withdrawal of the objection to claim 1.

### **Claim Rejections**

#### **Double Patenting**

Claims 1-47 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-47 of copending Application No. 10/708,833. While Applicants respectfully disagree with this double patenting rejection, in the interest of compact prosecution, Applicants submit a terminal disclaimer, without prejudice, in compliance with 37 C.F.R. § 1.321(c). Applicants also assert that this provisional non-statutory double patenting rejection is based on the above-listed application, which is commonly owned with this application by assignee, American Express Travel Related Services Company, Inc.

§103(a) Rejections

Claims 1-16, 18 and 20-46 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. 6,925,565 (Black), in view of U/S. 20050211784 (Justin). Claim 17 stands rejected over Black/Justin in view of Moebs et al., U.S. 2005/0065872 (“Moebs”). Claim 19 stands rejected over Black/Justin in view of Goodman, U.S. 2002/0043566 (“Goodman”). Claims 4, 22, 34, and 40 stand rejected over Black/Justin in view of Black U.S. 2005/0122209 (“Black II”). Applicants respectfully traverse these rejections.

Black and Black II discloses various combined biometric authorizations for transactions, e.g., signature and fingerprint verification. Justin discloses a universal identification card having a biometric sensor. While Black, Justin, and Black II may disclose various smartcard transaction and biometric security technologies, neither Black, Justin, Black II, nor any combination thereof, disclose or suggest at least a smartcard transaction system including “[a smartcard with a] second application comprising a common file structure and a partner file structure, wherein said partner file structure provides write access to a field within said partner file structure for a first partnering organization and denies write access to said field for a second partnering organization, and said common file structure provides write access for said first partnering organization and said second partnering organization to a file in said common file structure; a smellprint sensor configured to detect a proffered smellprint sample, said smellprint sensor configured to communicate with said system; and, a device configured to verify said proffered smellprint sample to facilitate a transaction based on at least one of said partner file structure and said common file structure,” as recited in amended independent claim 1.

Similarly, neither Black, Justin, Black II, nor any combination thereof, disclose or suggest at least a smartcard transaction system including “a smellprint sample for facilitating authorization of a transaction based on at least one of a partner file structure and a common file structure stored on a smartcard having an integrated circuit device comprising a common application and a second application, said second application being configured to store travel-related information associated with a cardholder; said second application comprising said common file structure and said partner file structure, wherein said partner file structure provides write access to a field within said partner file structure for a first partnering organization and denies write access to said field for a second partnering organization, and said common file structure provides write access for said first partnering organization and said second partnering organization to a file in said common file structure,” as recited in independent claim 23 and as similarly recited in independent claim 35.

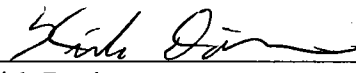
Accordingly, Applicants assert that claims 1, 23 and 35 are patentable over the cited references. Similarly, claims 2-22, 24-34, 36-47 variously depend from claims 1, 23, and 35 and contain all of the respective elements thereof. Therefore, Applicants respectfully submit that these claims are differentiated from the cited reference at least for the same reasons as set forth above, in addition to their own respective features. Accordingly, Applicants respectfully request withdrawal of the rejection of claims 1-47.

**CONCLUSION**

Applicants respectfully submit that the pending claims (47 total, 3 independent) are in condition for allowance. The Commissioner is hereby authorized to charge any fees that may be required, or credit any overpayment, to Deposit Account No. 19-2814. Applicants invite the Examiner to telephone the undersigned if the Examiner has any questions regarding this Reply or the application in general.

Respectfully submitted,

Dated: July 24, 2006

By:   
Kirk Dorius  
Reg. No. 54,073

**SNELL & WILMER L.L.P.**  
400 E. Van Buren  
One Arizona Center  
Phoenix, Arizona 85004  
Phone: 602-382-6544  
Fax: 602-382-6070  
Email: kdorius@swlaw.com